

FILED

MAR - 3 2017

Clerk, U.S. District Court
District Of Montana
Billings

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JUSTIN CARLTON WHITMAN,

Defendant.

CR 12-84-BLG-SPW

ORDER

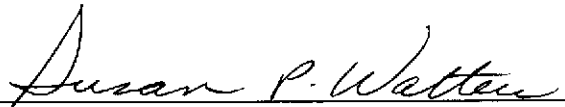
On February 16, 2017, United States Magistrate Judge John Johnston entered Findings and Recommendations on the February 6, 2017, amended petition for revocation of Defendant Whitman's supervised release. (Docs. 67 and 73). Although the parties were notified of their right to file objections to the Findings and Recommendations within 14 days, neither party filed objections.

Failure to object waives the right to review. Fed. R. Crim. P. 59(b)(2). But consistent with the Court's "full authority" to review the Findings and Recommendations under any standard it deems appropriate, *Thomas v. Arn*, 474 U.S. 140, 154 (1958), the Court reviews for clear error. Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Based on Whitman's admissions to the alleged violations, Judge Johnston recommends his supervised release be revoked. Judge Johnston further recommends that this Court sentence Whitman to eight months incarceration with a term of twenty-eight months supervised release to follow. Judge Johnston's Findings and Recommendations are without clear error and hereby adopted in full.

IT IS ORDERED that Defendant Whitman's supervised release is revoked. Judgment will be entered by separate document.

DATED this 3rd day of March, 2017.



SUSAN P. WATTERS
United States District Judge